

Fountain 2012

## **SPECIAL RULES OF CRIMINAL PROCEDURE**

### **RULE 1: APPEARANCES**

#### **LR 23-TR 3.1-FLCR 1(a)-(b)**

- (a) A written appearance shall be filed in all criminal cases.
- (b) Withdrawals of appearance shall comply with the rules relating to withdrawals of appearance in civil cases where applicable, and shall be at the discretion of the Court.

### **RULE 2: BAIL AND BAILABLE OFFENSES**

#### **LR 23-CR00-FLCR 2**

- (a) Bail is fixed per the following schedule:

|  |             |
|--|-------------|
| Class A felony   | \$75,000.00 |
| Class B felony   | \$25,000.00 |
| Class C felony   | \$15,000.00 |
| Class D felony   | \$10,000.00 |
| Class A Misdemeanor:<br>OVWI;<br>Poss. Of Marijuana;<br>Other drug related A Misd. | \$6,500.00  |
| All other Class A Misd.  | \$3,000.00  |
| Class B Misdemeanor  | \$1,000.00  |
| Class C Misd..10% B.A.C.   | \$6,500.00  |
| All other Class C Misd,  | \$500.00    |

- This bail schedule may be modified at the discretion of the Court. If habitual offender or habitual substance offender allegations are filed, bail schedule may be modified. If multiple non-related offenses are filed in same cause number, or accused is known to be on probation or parole, this schedule may be modified.
- (b) No person shall be released on his or her own recognizance without first securing authority of the Court for such release.

(c) The Sheriff shall have the authority and discretion to detain any person under the influence of intoxicating beverages or drugs until such time as that person can be safely released without danger to himself or others.

(d) An accused may post bond in any one of four ways: (1) Professional surety bond (2) Real property bond (3) Full cash bond, or (4) By depositing with the Clerk cash in an amount of 10% of the bond set by the Court, unless the Court prohibits such procedure. (e) If an accused posts bond per (d) (4), the same shall be made on a form supplied by the Court, which form shall be completed in its entirety. The Clerk may retain 10% of the cash deposited as an administrative fee, to be deposited in the General Fund of the County. Such fee shall not be less than \$10.

(f) In the event the accused fails to appear, any monies deposited with the Clerk, may, upon Order of Court, be transferred to the Extradition Fund of the Court to be used for the return of such accused or any other fugitive.

(g) Monies in the hands of the Clerk as bail per (d)(4) after deducting the administrative fee, shall be returned to the person posting said bail upon the meeting of the conditions of the bond, and upon Order of the Court, and the Court may order that said funds be applied to court costs, fees, fines, restitution, etc. as may be applicable

### **RULE 3: RELEASE OF INFORMATION**

#### **LR 23-CR 1.1-FLCR 3**

All personnel of the Clerk's Office and the Judge, as well as the Prosecuting attorney are prohibited from disclosing to any person, without the authority of the Court, information relating to the pending criminal matter that is not part of the public records of the Court, including but not limited to arguments or hearings held in chambers or otherwise outside the presence of the public.